REMARKS

In conformance with MPEP §1453 regarding amendments of reissue claims, applicants have made amendments as follows: Patent claims 1-5, 8, 10-11 and 18-22 were amended by underscored insertions and bracketed deletions. Claims 23-35 and 40-41, not being original patent claims, were amended by cancelation of the claims presented in the reissue application and submitting amended claims entirely underscored without indication of additions or deletions. Each will be explained hereinafter.

The Examiner's statement that the reissue declaration is defective because it fails to contain a statement that "all errors which are being corrected in the reissue application up to the time of filing the oath/declaration arose without any deceptive intent on the part of the applicant," noting 37 CFR §1.175 and MPEP §1414, is acknowledged. Since the subject application was filed on April 11, 1997, applicants were in compliance with the previous reissue application declaration requirements which were subsequently changed by the PTO later in 1997. In any event, applicants will be required to file a supplemental declaration herein under 37 CFR §1.175 (b)(1) to cover errors being found and now in the process of being corrected during prosecution; at that time applicants will incorporate into the supplemental declaration the required statement governing correction of errors "up to the time of filing" that the Examiner has suggested in ¶3 of the Office Action. Applicants' inventors are no longer employed by applicants' assignee and are scattered about the country; it often takes some time to obtain new declarations.

In ¶6, first paragraph, it is alleged that claims 1, 6-9, and 14-41 are not enabled for

nucleic acid molecules encoding IGF wherein the nucleic acid is complementary to (a) or (b) or when the nucleic acid is at least 18 bases in length and which "selectively hybridize to human genomic DNA encoding hIGF." By amendment, this portion of the claims has been deleted as unnecessary. Applicants' specification, at column 2, lines 20-40, and column 3, lines 1-34, suggests the use of both DNA and RNA sequences of usually at least 18 bases, or 50 or more, to detect mutations and/or deletions in humans suspected of growth hormone deficiencies; hybridization probes are another stated use. Longer DNA sequences are noted to be useful for expressing precursor and/or mature proteins or fragments or analogs thereof. Another use is for post-translational processing in appropriate hosts. It is believed to be well within the skill of the ordinary artisan to make and use the products of this invention from applicants' disclosure. Reconsideration of the rejection is requested in view of the foregoing.

The rejections in ¶6, second and third paragraphs, and ¶8, are believed to be overcome by the amendments made herein to claims 1, 8 and 18. As can be seen from the amendments to those claims, applicants have substantially employed the language suggested by the Examiner in ¶8 to clarify the claims. References to "human" and "hIGF" have been replaced as suggested. In response to the Examiner's objections in ¶6, second and third paragraphs, applicants have also amended claims 1, 8 and 18 to clarify that the "nucleic acid molecule" encodes (c) "a sequence complementary thereto," and (d) "a fragment thereof." It is clear that the claims do not now imply that a fragment encodes the entire IGF DNA sequence. Reconsideration of the rejection is requested in view of the foregoing.

The Examiner's rejection on pages 6-7 of claims 1, 8 and 18 because of the

alleged indefiniteness of the terms "selectively hybridize" and "human genomic DNA encoding hIGF"is noted; the objectionable phrases have been deleted as redundant and unnecessary. Reconsideration is respectfully requested.

The rejection of claims 20, 22, 29 and 30 for the use of the phrase "wherein the nucleic acid molecule is phigf1 (or 2)" is noted. Applicants have revised each occurrence to read wherein the nucleic acid molecule is the "plasmid" phigf1 or 2, since a plasmid is by definition a nucleic acid molecule. Applicants' disclosure reveals that its deposited *E. coli* strains HB101(phigf1) and (phigf2) were used to produce the plasmids phigf1 and phigf2 which were found to encode IGF-I and IGF-II (see column 5, lines 2-10). It is believed that the rejection has been overcome by this amendment and reconsideration is respectfully requested.

Claims 19, 21, 40 and 41, which used the phrase "wherein said **cellular host** is *E. coli* HB101 (phigf1)" or *"E. coli* HB101 (phigf2)" were rejected along with several other claims. Claims 19 and 21 are now dependent from claim 8 which in line 1 specifically refers to "cellular hosts." Similarly, claims 40 and 41 depend from claim 31, which in turn depends from claim 8. While it appears after analysis that there seems to be no basis for the rejection of claims 19, 21, 40 and 41 on this matter, applicants have amended all four claims to insert the word "strain" to more particularly point out the cellular hosts that are the subject of applicants ATTC deposit on June 8, 1984. Reconsideration of the rejection of claims 19, 21, 40 and 41 is respectfully requested in view of the foregoing.

The rejection of claims 25-28 and 32-35 as being dependent on two claims is noted. Accordingly, claims 25 and 26 have been amended to delete their reference to prior claim

1 as unnecessary because "parts (a) and (b)" are specifically referred to in claim 24; this amendment has eliminated the double dependency. Claims 27 and 28 were rewritten to include the necessary limitations of claim 24 and to now be dependent only on claims 4 and 5 respectively. Thus amended, claims 25, 26, 27 and 28 now only depend from one prior claim each. Claims 32-35 were each originally dependent on claim 31 and another claim. Each of these claims were rewritten to incorporate therein the necessary limitations from claim 31 to eliminate their double dependency. In view of the foregoing amendments, the rejection of claims 25-28 and 32-35 as being dependent on two claims should now be withdrawn and reconsideration is respectfully requested. Claims 31-35 and 40-41 were amended to eliminate the term "cells" in favor of the singular.

Claim 1 has also been amended to state that the claimed nucleic acid molecule is "isolated." Support appears at column 1, lines 59-61. Other minor amendments were made for clarification in claims 1-11, 18-19, 21-28 and 31-35.

In view of the foregoing, applicants believe that all the rejections except the need for a new declaration have been overcome. Since this application is a reissue, applicants are anxious to complete the prosecution as promptly as possible. For that reason, applicants' attorney would like to have an interview with the Examiner prior to preparation of the next office

action. It would be very helpful if the Examiner could phone the undersigned attorney at 215-564-8366 when convenient to schedule a telephonic or personal interview.

Respectfully submitted,

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